

 DIVISION OF ADULT INSTITUTIONS POLICY AND PROCEDURES	DAI Policy #: 300.00.05	Page 1 of 5
	Original Effective Date: 02/22/07	New Effective Date: 03/07/24
	Supersedes: 300.00.05	Dated: 12/21/20
	Administrator's Approval: Sarah Cooper, Administrator	
	Required Posting or Restricted: ☒ PIOC ☒ All Staff ☐ Restricted	
Chapter: 300 Administrative		
Subject: PIOC Voting		
Guidance Document: ☒ YES ☐ NO		

POLICY

The Division of Adult Institutions shall notify PIOC disqualified from voting in writing when their right to vote has been restored and allow eligible PIOC the opportunity to register and vote absentee by mail in State of Wisconsin and federal elections while incarcerated. The Division of Adult Institutions shall allow incarcerated tribal members the right to vote in tribal elections, regardless of criminal convictions.

REFERENCES

Wisconsin State Statute 6.03(1)(b) – Disqualification of Electors
Wisconsin State Statute 301.03(3a) – General Corrections Authority
Wisconsin Statute § 304.078(3) – Restoration of Civil Rights of Convicted Persons
Wisconsin State Statute 973.09(4m) – Probation
Wisconsin State Statute 973.176(2) – Voting
2005 Wisconsin Act 451 – Relating to Administration of Elections
Wisconsin Election Commission – (<https://elections.wi.gov>)

DEFINITIONS, ACRONYMS AND FORMS

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC-2352 - Voter Ineligibility Notice and Acknowledgement

DOC-2975 – Restoration of Right to Vote

EL-131 – Voting Registration Application

EL-121 – Absentee Ballot Application

PIOC – Persons in Our Care

PROCEDURE

- I. **General Guidelines for all PIOC regarding Federal, State, Local and Tribal Elections**

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- A. Pursuant to s. 6.03(1)(b), Wis. Stats., any person convicted of treason, felony or bribery is not allowed to vote in any federal, state or local election, unless the person's right to vote is restored through a pardon or as provided under s. 304.078 (3).
 - 1. PIOC who are enrolled members of a Native American tribe may have the right to vote in tribal elections.
 - 2. Each tribe is its own sovereign nation and as such, has its own laws and procedures for voting. Therefore, incarcerated tribal members who are enrolled with their tribe and who wish to vote in tribal elections should contact their respective Tribal Leader or designee to determine if and how they can exercise their right to vote.
- B. Pursuant to s. 304.078(3), the right of any person disqualified from voting pursuant to s. 6.03(1), Stats., is restored when he or she completes the term of imprisonment, including any period of extended supervision or parole, or probation for the crime that led to the disqualification.
- C. The Department shall notify any PIOC disqualified from voting under s. 6.03(1)(b) in writing at the time his or her right to vote is restored pursuant to s. 304.078(3), Stats.
- D. Staff shall not utilize the DOC third party mail vendor to process voting documents.
- E. Staff shall provide any copies and/or envelopes related to voting process free of charge.

II. **Restoration of Right to Vote**

- A. Records staff shall identify any PIOC who has completed the term of imprisonment, including any period of extended supervision or parole, or probation for the crime(s) that led to his or her disqualification from voting.
- B. Records staff shall provide the PIOC a DOC-2975 when the right to vote is restored.
- C. Notification regarding eligibility to vote will not be provided to any PIOC who has not been disqualified from voting under s. 6.03 (1) (b). For example, individuals admitted to prison for only misdemeanors have not had their right to vote taken away and, as such, will not be provided notification of their eligibility to vote (the conviction did not impact this right).
- D. PIOC are responsible for taking and completing all actions necessary to vote while incarcerated, including registering to vote, requesting an absentee ballot

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to vote by mail and returning the absentee ballot within the timeframes required under state law.

III. Voter Registration

- A. PIOC shall be responsible for completing all actions necessary to register to vote.
- B. PIOC assume all responsibility for the accuracy of the information provided on EL-131 and EL-121.
- C. PIOC shall be responsible for completing the required information and mailing the forms to the appropriate municipal clerk.
- D. PIOC shall ensure eligibility to vote prior to requesting EL-131 from their social worker.
 1. When intending to vote in an election, notify their social worker no later than 60 days prior to an election.
 2. When identification or other documents are needed, notify the social worker earlier than 120 days to ensure sufficient time is available to fulfill requirements.
- E. PIOC shall use the institution/facility address for their mailing address. Once the registration has been processed, a voter verification mailer card will be sent to the mailing address listed on the application.
- F. PIOC shall update the address on the voter verification mailer card upon transfer to another institution/facility.
- G. Social worker may use the <https://myvote.wi.gov> website to aid PIOC in locating the address for the proper municipal clerk.
 1. The proper municipal clerk shall be based on the PIOC residence immediately prior to their incarceration.
 2. For PIOC housed out of state prior to incarceration, the social worker shall assist PIOC in locating out of state forms and municipal clerk address.
 3. When a PIOC was homeless prior to their incarceration, follow the instructions on EL-131 regarding what information must be provided.
- H. At the request of the PIOC, social worker shall check the status of the PIOC voter registration at <https://myvote.wi.gov> at least once per month.
- I. Social worker shall sign EL-121 as a witness to the PIOC voting.

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IV. PIOC Voting

- A. PIOC are responsible for researching and knowing about any election for which the PIOC is eligible to vote. Staff shall not be responsible for notifying PIOC of the occurrence or dates of any election.
- B. Eligible PIOC may vote absentee by mail. PIOC shall not be permitted to vote in person, either absentee or on election day.
- C. Staff are to remain nonpartisan and shall not discuss personal political affiliation, candidate preference, provide candidate advice, recommendations, or viewpoints with PIOC. Staff may refer to policy bulletin DPM-0532-MRS for additional information.
- D. PIOC shall ensure eligibility to vote prior to requesting EL-121 from their social worker.
 - 1. When intending to vote in an election, notify their social worker no later than 60 days prior to an election.
 - 2. When identification or other documents are needed, notify the social worker earlier than 120 days to ensure sufficient time is available to fulfill requirements.
- E. In accordance with DAI 309.20.02, the PIOC shall obtain a Wisconsin driver's license or identification card, when needed.
- F. PIOC shall place EL-121 in mail with all required supporting documents, using the prison return address.

V. General Guidelines for PIOC Ineligible to Vote

- A. DAI staff shall notify affected PIOC no sooner than six months prior to their release they are ineligible to vote and have them sign the DOC-2352.
- B. Affected PIOC are those serving a felony sentence, released to parole, extended supervision or maximum discharge with another felony probation case to serve.
- C. DAI staff shall witness the PIOC signing the DOC-2352. If after notification PIOC refuses to sign the DOC-2352, staff shall note on the form the PIOC was notified and refused to sign.
- D. The completed DOC-2352 shall be placed in the PIOC legal file.

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility:		
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New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 300 Administrative		
Subject: PIOC Voting		
Will Implement ☐ As written ☐ With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES**DEFINITIONS, ACRONYMS AND FORMS****FACILITY PROCEDURE**

I.

A.

B.

1.

2.

a.

b.

c.

3.

C.

II.

III.

RESPONSIBILITY

I. Staff

II. PIOC

III. Other